

**Syllabus**  
**LLMUS Employment Law (Law 737-511G)**  
**Professor Modesitt**

**Course information:**

*Text – Employment Law: Private Ordering and its Limitations*, Glynn, Arnow-Richman & Sullivan (3d ed. 2015).

*Class times – Mondays and Wednesdays, 1:30 – 2:45. For room information, please check the law school website as room assignments change up to the first day of class.*

*Office - Room 507*

*Email – [nmodesitt@ubalt.edu](mailto:nmodesitt@ubalt.edu). Email is the fastest way to reach me.*

*Phone – 410-837-1902*

*Office hours – Mondays and Wednesdays, 12:30-1:15, or by appointment*

**Grading:**

**40% - Problems**

**60% - Final Exam**

Class participation may result in a 1/3 grade increase or decrease to be determined in my discretion (i.e. excellent class participation can raise your grade from a B+ to an A- while poor class participation can lower your grade from a B+ to a B).

Problems will be graded as follows. For each class where an assignment is a problem, each student will turn in a short essay answer to the question(s) posed, which will be explained in class. For the research assignment, each student will turn in a list of sources that he/she found in Maryland that are relevant to the topic, along with a one to two sentence explanation for each source explaining its relevance.

**The final exam is open book/open note.**

**Learning outcomes:**

At the end of this class, students will be proficient in their ability to:

1. Identify employment law issues in factual scenarios;
2. Articulate how courts balance employer and employee interests in the workplace;
3. Explain employees' legal protections in the workplace;
4. Apply employment law doctrine in novel factual settings;
5. Advise employers and employees on solving workplace disputes, both orally and in writing.

**Professionalism and Course Expectations**

I expect you to display professionalism in this class. This includes arriving on time, attending all classes, being prepared for class, and behaving respectfully. If you are not prepared for a class, please let me know by sending an email before class that day.

The American Bar Association Standards for Law Schools establish guidelines for the amount of work students should expect to complete for each credit earned. Students should expect approximately one hour of classroom instruction and two hours of out-of-class work for each credit earned in a class, or an equivalent amount of work for other academic activities, such as simulations, externships, clinical supervision, co-curricular activities, and other academic work leading to the award of credit hours.

**Attendance**

Class attendance is a primary obligation of each student whose right to continued enrollment in the course and to take the examination is conditioned upon a record of attendance satisfactory to the professor. A student who exceeds the maximum allowed absences (generally 20% of class sessions) as illustrated below may be compelled to withdraw from the course, or may be barred from sitting for the final exam. Students who are forced to withdraw for exceeding the allowed absences may receive a grade of FA (failure due to excessive absence). This policy is consistent with American Bar Association Standards for Law Schools.

Regular Semester Hours		
Credit Hours	Meetings Per Week	
	1	2
2	2 absences	5 absences
3	2 absences	5 absences
4	--	5 absences

**Academic Integrity**

Students are obligated to refrain from acts that they know or, under the circumstances, have reason to know will impair the academic integrity of the University and/or School of Law. Violations of academic integrity include, but are not limited to: cheating, plagiarism, misuse of materials, inappropriate communication about exams, use of unauthorized materials and technology, misrepresentation of any academic matter, including attendance, and impeding the Honor Code process. The School of Law Honor Code and information about the process is available at [http://law.ubalt.edu/academics/policiesandprocedures/honor\\_code/](http://law.ubalt.edu/academics/policiesandprocedures/honor_code/).

**Title IX Sexual Misconduct and Nondiscrimination Policy**

The University of Baltimore’s Sexual Misconduct and Nondiscrimination policy is compliant with Federal laws prohibiting discrimination. Title IX requires that faculty, student employees and staff members report to the university any known, learned or rumored incidents of sex discrimination, including sexual harassment, sexual misconduct, stalking on the basis of sex, dating/intimate partner violence or sexual exploitation and/or related experiences or incidents. Policies and procedures related to Title IX and UB’s nondiscrimination policies can be found at: <http://www.ubalt.edu/titleix>.

**Disability Policy**

If you are a student with a documented disability who requires an academic accommodation, please contact Leslie Metzger, Director of Student Services, at 410-837-5623 or [lmetzger@ubalt.edu](mailto:lmetzger@ubalt.edu).

## **Topics and Readings:**

### **Week 1: The Benefits and Burdens of Employment**

**Topics:** Who is an employee?  
Who is an employer?

#### **Readings:**

**Monday (Jan. 9):**

Text, Chapter 1 through Section A.

**Wednesday:**

Text, Chapter 1, Section B.

### **Weeks 2 - 5: Private Ordering and Default Terms**

**Topics:** At-Will Default Rule  
Contract Exceptions

#### **Readings:**

**Monday (Jan. 16):**

No class; Martin Luther King, Jr. holiday.

**Wednesday:**

Text, Chapter 2, through Section A.

**Monday (Jan. 23):**

Text, Chapter 2, Section B.

**Wednesday:**

Readings on TWEN along with prompt for classwork.

**Monday (Jan. 30):**

Text, Chapter 3 through Section A 1.

**Wednesday:**

Text, Chapter 3, Section A 2.

**Monday (Feb. 6):**

Problem 1

### **Weeks 5-6: Tort-Based Protections for Workers**

**Topics:** Public Policy Exception  
Traditional Torts in the Employment Relationship

#### **Readings:**

**Wednesday:**

Text, Ch. 4, Section A

**Monday (Feb. 13):**  
Text, Ch. 4, Section B

**Wednesday:**  
Text, pp. 273-277; Problem 2

**Week 7-8: Protecting Worker Autonomy**

**Topics: Privacy  
Speech and Association**

**Readings:**

**Monday (Feb. 20):**  
Text, Ch. 6, § A

**Wednesday:**  
Text, Ch. 6, §§ B, C.

**Monday (Feb. 27):**  
Text, Ch. 7, § A

**Wednesday:**  
Text, Ch. 7, § B

**Weeks 9 - 10: Workplace Property Rights and Related Interests**

**Topics: Competition  
Employee Loyalty  
Intellectual Property Rights**

**Readings:**

**Monday (March 6):**  
Text, pp. 479-80; Research Assignment due.

**Wednesday:**  
Text, Ch. 8, § C

**Monday (March 13):**  
Problem 3.

**Weeks 10-14: Statutory Protections for Employees**

**Topics: Employment Discrimination  
FMLA  
FLSA  
Workers' Compensation  
OSHA**

**Wednesday:**

Text, Ch. 9, §§ A, B 1, B 2

**SPRING BREAK MARCH 20-26**

**Monday (March 27):**

Text, Ch. 9, § B 3

**Wednesday:**

**TBD. Class will vote on additional employment discrimination topic to cover.**

**Monday (April 3):**

Text, Ch. 10, pp. 773-775, § B 2.

**Wednesday:**

Text, Ch. 11, pp. 835-863

**Monday (April 10):**

No class. In lieu of class today, you are required to attend one event over the course of the semester that relates to employment law. It can be an oral argument of a case involving employment law, a law school event, a Maryland Bar event, or any other event sponsored by an educational institution or bar association. You may also attend an online event or listen to/watch the recording of an oral argument on a recent employment law case. After attending the event, you must send me an email describing what you learned at the event and how that relates to employment law. ***I strongly encourage you to pick an event that involves an issue of interest to you. If you need suggestions, please contact me.***

**Wednesday:**

Guest speaker; readings TBD.

**Monday (April 17):**

Text, Ch. 11, pp. 863-881

**Wednesday:**

Problem 4.

**Monday (April 24):**

Text, Ch. 12, § B