



## **LEGAL ASPECTS OF HUMAN RESOURCE MANAGEMENT (WI)**

**Course # 1498.33501**

**MW 1:45-3:00**

**Prerequisites: Management of Human Resources 0506.302, Legal Environment  
1498.242**

Professor Kimble A. Byrd	Spring 2006
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**COURSE OVERVIEW:** Legal considerations are the primary constraint on human resource decisions and the primary force shaping personnel policy. Students in this course will address the legal consequences of human resource decisionmaking, as well as, the managerial significance of federal regulations and applicable state laws. Additionally, awareness will be generated of the need to continually assess and improve human resource policies and practices in relation to ongoing developments in the law.

**TEXT:** Walsh, David J., **EMPLOYMENT LAW FOR HUMAN RESOURCE PRACTICE** (Thomson-SouthWestern-Westl Publishing Company, 2004) ISBN 0-324-18067-5

**COURSE LEVEL:** Senior status, with course prerequisites of Legal Environment, and Human Resource Management.

**CLASS SESSION METHODOLOGY:** The course will be conducted utilizing a seminar format where full and informed participation is required. Material should be read and digested and an analysis of the underlying issues and concerns must be prepared in order to facilitate the class discussion and exchange.

### **COURSE RESEARCH PROJECT OPTIONS:**

- **Policy Manual Project:** Utilizing the framework of a business subsidiary, a model personnel policy will be drafted involving the diverse elements of human resource practice and focusing on the efficient operation of the corporate organization. The Personnel Policy Database and reference to at least one external personnel policy will facilitate the development of your final draft.
- **HR Consulting Group Project:** The scope of the relationship involves a select group of students who will coalesce as a working group to accomplish assignments. These arrangements involve high performance student work groups, which will be assigned to work as a unit with student entrepreneurship groups to address human resource legal issues of their concern. During this consulting experience the student work groups perform under the guidance of the faculty teaching team members.
- **International HRM Law Research Project:** A student team will conduct research on scenario specific implications for human resource operations of US law in transnational setting.

### **COURSE OBJECTIVES**

1. To examine the historical background of the varied Equal Employment Opportunity (EEO) regulations, as they relate to race, color, gender, national origin, religion, age, and disability.
2. To provide a foundation for understanding EEO and the basic interpretations that has emerged from the courts.
3. To review the legal status of the prime examples of gender-based discrimination: gender as BFOQ, sex-plus (Pregnancy Disability, Discrimination Acts), discriminatory, generalizations, pay distinctions (Equal Pay Act) and sexual harassment.
4. To address the concept of reasonable accommodation as it affects regulation of age (Age Discrimination in Employment Act), disability (Americans with Disabilities Act), and religious discrimination.
5. To increase awareness of the major employment-related provisions of Immigration Reform and Control Act, as well as the costs of noncompliance.
6. To demonstrate the importance of evidence and proof in deciding the outcome of an EEO case and the importance of the manager's role regarding such evidence.
7. To explore the evolving legal status of affirmative action.

8. To survey the scope of laws that regulate job safety and health (OSHA), and provide compensation to victims of occupational injuries and illnesses (Workers Compensation).
9. To furnish an understanding of the historical development of income security programs, i.e. pensions, benefits, unemployment compensation and wage and hour (Employee Retirement Income Security Act, Consolidated Omnibus Budget Reconciliation Act, Family and Medical Leave Act).
10. To articulate specific human resource management activities that raise privacy issues (Employee Polygraph Protection Act, Drug Free Workplace Act,).
11. To consider the guidelines involving employment security and wrongful termination, as well as, steps management can take in the areas of employee communication, discipline procedures and alternative dispute resolution (Whistleblower Protection Act, Worker Adjustment Retraining Notification Act).
12. To address ethical and professional considerations in the practice of strategic human resource management.

**OUTCOMES ASSESSMENT:** At several points in the term, students will be asked to complete brief, in-class exercises designed to determine the extent to which course objectives are being achieved. The results of these exercises will be used in a continuing process of course development and improvement.

**SKILLS:** We hope to assist students in acquiring a valuable set of skills that will serve them well as managers in terms of specific issues and in maintaining a better understanding of the complex regulatory business environment.

**Analytical Thinking:** Critical analysis of case materials and suggestion of appropriate decision strategies are an essential part of the course.

**Analytical skills include:** connecting events and actions by developing broader models, discovering assumptions and ideological positions, mapping the intricate links among organizations and social groups, learning to draw conclusions and make recommendations based on evidence and analysis.

**Communications (Oral & Written) As a writing intensive course:**

**Written preparation skills include:** organizing material effectively, writing a coherent document, condensing information into usable form, and packaging the information in a professional manner.

**Oral Skills include:** in-class responses to topical queries on an individual basis. The object is to learn to present oneself as a coherent interesting speaker and let the audience learn something about the issue. Near the end of the term each team will present its findings and recommendations to the class. Supporting information with appropriate credit given to source materials.

**Statistical/Financial Data Analysis:** In analyzing case situations, background research is a necessary component of considering a broad spectrum of perspectives.

Research skills include: finding resources, tracking down leads, learning to interview effectively, understanding the uses of statistics and other evidence, scanning massive volumes for relevant data, and comfortable competency with statistical electronic databases.

**Legal, Regulatory Environment:** Compliance and enforcement problems necessitate explanations of market and legal institutions, which can inhibit as well as advance the efficacy of business management. "Legislative analysis" i.e., sketches of relevant legislation, both passed and pending, will catalyze a recognition and appreciation of the political process. "Interest group analysis" involving descriptions of the groups that are advocating and opposing various policy options based on membership; level of influence; funding sources will provide exposure to the kinds of arguments, strategies, and evidence used to interpret, support or oppose legislation and/or regulation.

**Ethics:** Ethical issues are at the core of the course. Individual ethical conduct and corporate social responsibility, are covered explicitly in most sections of the text, and will be important aspects of several class lecture/discussion sessions.

**Managing Diversity:** Within the human resource area the primary issue addressed on this topic is workplace interaction and the potential for discrimination and the consequences.

## COURSE SCHEDULE

DATE	TOPIC	READINGS
January 18	<b>Introduction to the Regulation of Employment</b>	<ul style="list-style-type: none"> <li>• Pgs. 1-26               <ul style="list-style-type: none"> <li>○ <a href="#">Course Notes</a></li> </ul> </li> </ul>
23/25	<b>Defining the Employment Relationship</b>	<ul style="list-style-type: none"> <li>• Pgs. 27-50</li> <li>• <a href="#">Course Notes Defining Employment</a></li> <li>• Internet Links               <ul style="list-style-type: none"> <li>○ <a href="#">DOL Handbook on Whistleblowing Protections</a></li> <li>○ <a href="#">Employee handbooks and wrongful termination</a></li> </ul> </li> </ul>

January 30 February 1	<b>Regulation of Employment Discrimination: Title VII</b>	<ul style="list-style-type: none"> <li>• 51-76</li> <li>• <a href="#">Course Notes</a></li> <li>• Internet Links <ul style="list-style-type: none"> <li>◦ <a href="#">Supreme Court Decisions</a></li> <li>◦ <a href="#">Recent Employment Law Decisions</a></li> </ul> </li> </ul>
February 6/8	<b>Establishment of the Relationship: Recruitment/ Interviewing</b>	<ul style="list-style-type: none"> <li>• Pgs. 77-104, , 131-186</li> <li>• <a href="#">Course Notes</a></li> <li>• Internet Links <ul style="list-style-type: none"> <li>◦ <a href="#">Courtroom Challenge</a></li> </ul> </li> </ul>
February 13	<b>Project Review Sessions</b>	
February 15	<b>Verifying Employability</b>	<ul style="list-style-type: none"> <li>• Pgs 105-130</li> <li>• <a href="#">Course Notes</a></li> <li>• <a href="#">Course Notes</a></li> </ul>
February 20/22	<b>Employment Testing</b>	<ul style="list-style-type: none"> <li>• Pgs 131-158</li> <li>• Internet Links <a href="http://www.adr.org">http://www.adr.org</a></li> </ul>
February 27	<b>Affirmative Action</b>	<ul style="list-style-type: none"> <li>• Pgs 187-214</li> <li>• <a href="#">Course Notes</a></li> <li>• Internet Links <a href="#">Americans With Disabilities Act Document Center</a></li> </ul>
March 1	<b>Accommodating Disability and Religion</b>	<ul style="list-style-type: none"> <li>• Pgs 243-270</li> </ul>
March 6	<b>National Origin and Age Discrimination</b>	<ul style="list-style-type: none"> <li>• Pgs 284-300</li> </ul>
March 8	<b>MIDTERM EXAMINATION</b>	<a href="#">SAMPLEXAM</a>
March 13-19	<b>University Holiday</b>	<b>Spring Break</b>

March 20/22	<b>The Employment Environment: Evaluation</b>	<ul style="list-style-type: none"> <li>• Pgs. 421-448</li> <li>• <a href="#">Course Notes</a></li> <li>• Internet Links</li> </ul>
March 27/29	<b>Issues of Workplace Privacy</b>	<ul style="list-style-type: none"> <li>• Pgs 449-480</li> <li>• <a href="#">Course Notes</a></li> </ul>
April 3/5	<b>Workplace Safety</b>	<ul style="list-style-type: none"> <li>• Pgs 391-420</li> <li>• <a href="#">Course Notes</a></li> <li>• Internet Links <ul style="list-style-type: none"> <li>○ <a href="#">OSHA Handbook</a></li> </ul> </li> </ul>
April 10	<b>Course Project Review Session</b>	
April 12	<b>Workplace Benefits: ERISA, FLSA, FMLA</b>	<ul style="list-style-type: none"> <li>▪ Pgs. 301-358</li> <li>▪ Internet Links <ul style="list-style-type: none"> <li>• SHRM.org</li> </ul> </li> </ul>
April 17/19	<b>Terminating Employment</b>	<ul style="list-style-type: none"> <li>• Pgs 481-557</li> <li>• <a href="#">Course Notes</a></li> <li>• Internet Links</li> <li>• <a href="#">Benefits Link</a> <ul style="list-style-type: none"> <li>○ <a href="#">Federal Unemployment Compensation</a></li> <li>○ <a href="#">Employment Standards and Wage Administration</a></li> <li>○ <a href="#">ERISA Handbook</a></li> </ul> </li> </ul>
April 24	<b>Professional Ethics Workshop</b>	
April 26	<b>International HR Law Presentations</b> <b>HR Consulting Presentations</b>	<ul style="list-style-type: none"> <li>• <a href="#">Course Notes</a></li> <li>• Internet Links <ul style="list-style-type: none"> <li>○ <a href="#">Downsizing</a></li> </ul> </li> </ul>
May 1	<b>Emerging Issues: Strategic HRM Policy Manual Presentations</b>	
May 3	<b>FINAL EXAMINATION</b>	

## COURSE ASSESSMENT

Midterm Examination	30%
Class Participation	20%
Course Project	20%
Final Examination	30%

**EXTRA CREDIT:** The course requirements are sufficiently challenging in themselves that the ability to engage in extra work for “extra credit” is not a possibility. From time to time supplemental additional learning assignments may be generated.

COLLEGE REGULATIONS REGARDING ACADEMIC DISHONESTY, ATTENDANCE AND CONDUCT ARE APPLICABLE TO THIS COURSE.

### **STUDENT LEARNING DISABILITY ACCOMMODATION POLICY:**

Your academic success is important. If you have a documented disability that may have an impact upon your work in this class, please contact me. Students must provide documentation of their disability to the Academic Success Center in order to receive official University services and accommodations. The Academic Success Center can be reached at 856-256-4234. The Center is located on the 3rd floor of Savitz Hall. The staff is available to answer questions regarding accommodations or assist you in your pursuit of accommodations. We all look forward to working with you to meet your learning goals.

### **ACADEMIC HONESTY POLICY\***

**The vitality of any academic program is rooted in its integrity. It is essential to Rowan University that the grades awarded to students only reflect their own individual efforts and achievements. Each segment of the academic community, i.e., faculty, students and administration, are responsible for the academic integrity of the university. Academic dishonesty, in any form, will not be tolerated. Students who are found to have engaged in acts of academic dishonesty may be subject to failure for the course and suspension from the University. \*For further information on this Policy, please consult the Schedule of Courses under "General Information".**

### GRADES GPA EQUIVALENTS

A = 4.0 93 - 100 B+ = 3.3 88 - 89 C+ = 2.3 78 - 79 D+ = 1.3 68 - 69

A- = 3.7 90 - 92 B = 3.0 83 - 87 C = 2.0 73 - 77 D = 1.0 63 - 67

B- = 2.7 80 - 82 C- = 1.7 70 - 72 D- = 0.7 60 - 62






