EMPLOYMENT LAW
Spring 2018

Contact Information:
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Text:
Willborn, Schwab, Burton & Lester, EMPLOYMENT LAW: CASES AND MATERIALS (6th Ed. LexisNexis)

Information about the Course
This course relates to the regulation of the employment relationship in the non-unionized workplace. The course is intended as a survey of some of the most important legal issues regarding the employer/employee relationship. There is no overlap with either Labor Law or Employment Discrimination.

Learning Outcomes
Students will:
• be able to explain and summarize employment law principles at a level of proficiency similar to that of attorneys who have been practicing employment law for two to three years;
• learn to identify the legal issues embedded in workplace-related legal problems and analyze possible solutions;
• advise individuals whose workplace rights might have been violated about possible courses of action
• advise employers about the legal consequences of

Grading:
The final grade will be based on the final exam (85%); class exercises & participation (15%).

Attendance
Regular and punctual attendance is required. I expect you to notify me in advance, or in case of emergency as soon as possible under the circumstances, of the reason for your absence. If a student has been irregular in his/her attendance, I may, with the approval of the Dean and upon notification of the student, require the student’s withdrawal from the course of his/her exclusion from the examination.
**Information Regarding Disabilities:**
Please let me know as soon as possible you anticipate barriers related to the format or requirements of this course; you have emergency medical information to share with me; or, you need to make arrangements in case the building must be evacuated.

If you require disability-related accommodations (such as a notetaker, extended time on exams or captioning), please establish an Accommodation Plan with the Disability Center. The Center is located at S5 Memorial Union. You should also contact the Associate Dean for Academic Affairs or the Law School’s Registrar, so that they can help coordinate any necessary accommodation.

**Intellectual Pluralism**
The School of Law community welcomes intellectual diversity and respects students’ rights. Students who have questions concerning the quality of instruction in this class may address concerns to either the Dean or the Director of the Office of Students rights and Responsibilities. All students will have the opportunity to submit an anonymous evaluation of the instructor at the end of the semester.

**Academic Integrity**
Academic integrity is fundamental to the activities and principles of the School of Law. All members of the Law School community must be confident that each person’s work has been responsibly and honorably acquired, developed and presented. Any effort to gain an advantage not given to all students is dishonest whether or not the effort is successful. The Law School Community regards breaches of the Law School’s Honor Code as extremely serious matters. In the event that you violate our Academic Integrity Rules on any portion of the work required for this class, you may expect a failing grade, as well as possible disciplinary sanctions ranging from probation to expulsion.
Readings
The following is a tentative list of the topics this course will cover. Specific readings will be announced on a weekly basis.

INTRODUCTION TO EMPLOYMENT LAW
Defining the Employment Relationship (13-61)

JOB SECURITY
The Concept of Job Security (65-80)
Contractually Based Notions of Job Security
Express Contract Modifications (81-99)
Reliance and Implied-in-Fact Contracts (100-114)
Employment Manuals & Disclaimers (115-133)
Tort Based Notions of Job Security
Wrongful Discharge in Violation of Public Policy (135-174)
Intentional Infliction of Emotional Distress (174-185)
Good Faith Limitations on Employment At Will (187-201)

EMPLOYEE PRIVACY
Employee Free Speech and Political Protections
Political and Speech Rights in the Public Workplace (205-231)
Political and Speech Rights in the Private Workplace (232-253)
On and Off the Job Privacy Rights
On the Job (255-269)
Off-Work Privacy Claims (269-280)
Drug Testing (280-291)
Honesty Testing & Background Screening (291-308)
Negligent Hiring (308-313)

DEFAMATION (315-333)

EMPLOYEE DUTIES AND PROMISES
Duty of Loyalty and Trade Secrets (337-358)
Noncompetition Clauses & Other restrictive Covenants (359-380)
Employee Inventions (381-397)

WAGES AND HOURS
The Fair Labor Standards Act
Substantive FLSA Obligations (573-602)
Coverage (611-620)
Wage & Payment Laws (621-646)

LEAVE TIME (647-671)
UNEMPLOYMENT INSURANCE (687-708)

PLANT CLOSINGS (708-720)

EMPLOYEE BENEFITS
Pensions
Protecting Employees from Forfeiture (738-746)
Fiduciary Duties (747-777)
Plan Administration (777-787)
Plans of Distressed Employers (787-804)
Employer Provided Health Insurance
ERISA Preemption Limits (809-836)
Problems with Enforcement (836-846)

WORKPLACE INJURIES AND DISEASES
Workplace Compensation
Which Injuries Are Compensable?
“Accident”
[Skip Point I and Chief Judge Ahuja’s opinion]

“Injury”

“Arising Out of”
Johme v. St. John’s Healthcare, 366 S.W. 3rd 504 (2012); Gleason

“In the Course of”
Scholastic v. Viley, 2014 WL 5462306 [Read Point I section of the
opinion]; Lincoln University v. Narens, 485 S.W. 3d 811 (2016)
[Read Point II of the opinion]

The Exclusivity Principle

Benefits
Read sections 287.170; 287.190; 287.250(4) of the Missouri Revised Statutes; Print
and bring to class a copy of Chart Number 1 available at
https://labor.mo.gov/sites/default/files/pubs_forms/WC-110-AI.pdf

Occupational Safety and Health (991-999)