

**SAN DIEGO COMMUNITY COLLEGE DISTRICT
CITY, AND MIRAMAR COLLEGES
ASSOCIATE DEGREE COURSE OUTLINE**

SECTION I**SUBJECT AREA AND COURSE NUMBER:** Legal Assistant 155**COURSE TITLE:** Employment Law**Units: 3**
Grade Only**CATALOG COURSE DESCRIPTION:**

This course provides an overview of the legal relationship between employer and employee. It also provides a basic understanding of employment-related laws and the impact those laws have on employers/employees. Students learn about both the federal and state regulatory environment as it applies to employment law. Subjects include pre-employment concerns, legal aspects of the employer/employee relationship, discrimination issues and actions, terminations, and ethical issues in employment law.

REQUISITES:**Advisory:**

LEGL 105 with a grade of "C" or better, or equivalent
or
LEGL 110 with a grade of "C" or better, or equivalent

FIELD TRIP REQUIREMENTS: May be required**TRANSFER APPLICABILITY:** Associate Degree Credit & transfer to CSU and/or private colleges and universities**TOTAL LECTURE HOURS:** 48 - 54**TOTAL LAB HOURS:****STUDENT LEARNING OBJECTIVES:**

Upon successful completion of the course the student will be able to:

1. Identify and apply appropriate legal terms in various legal documents
2. Express the formation and termination of the employment relationship
3. Research and analyze the federal and state laws impacting the employer/employee relationship in the areas of personnel actions, sexual harassment, discrimination, retaliatory discharge, disability, employee compensation, and employee benefits
4. Demonstrate familiarity with state Workers' Compensation law
5. Differentiate and assess legal issues in employment law cases
6. Analyze ethical considerations for paralegals who assist attorneys in the area of employment law
7. Prepare necessary legal documentation in the areas of personnel actions, sexual harassment, discrimination, retaliatory discharge, disability, employee compensation, and employee benefits
8. Appraise the impact employment law has on other areas of law.

SECTION II

1. COURSE OUTLINE AND SCOPE:

A. Outline Of Topics:

The following topics are included in the framework of the course but are not intended as limits on content. The order of presentation and relative emphasis will vary with each instructor.

- I. Introduction to employment law
 - A. Overview of employment law
 - B. Distinguish labor law from employment law
 - C. Historical context for early employment situations.
- II. Identifying the basis of the employment relationship
 - A. Definition of an employee
 1. Establishing the relationship
 2. Distinguishing between employee and independent contractor.
 - B. Common law concepts
 1. Historical development of employment at-will doctrine
 2. Application of employment at-will doctrine
 3. Erosion of employment at-will doctrine.
 - C. Contracts for employment
 1. Establishment of contract (express, implied)
 2. Employee handbooks.
- III. Pre-employment legal concerns
 - A. Right-to-work statutes
 - B. Discrimination problems in advertising, recruiting, and interviewing
 1. Title VII of the Civil Rights Act
 2. Americans with Disabilities Act (ADA)
 3. Age Discrimination in Employment Act (ADEA).
 - C. Employer pre-employment actions
 1. Application forms
 2. Testing.
- IV. Legal concerns in the employment relationship
 - A. General duties and rights
 1. Employees
 2. Employers.
 - B. Compensation
 1. Fair Labor Standards Act (FLSA)
 2. California compensation laws.
 - C. Employment benefits
 1. Pensions
 2. California state compensation
 3. Federal Medical Leave Act (FMLA)
 4. Other benefits (e.g., health/dental care, dependent care, earned income tax credits).
 - D. Governmental mandates placed on employers
 1. EEO reporting and affirmative action
 2. Taxes
 3. Safety requirements.
 - E. Discrimination issues
 1. Title VII of the Civil Rights Act
 2. Age (ADEA)
 3. 42 USC Sec. 1981 & Civil Rights
 4. Disability (ADA)
 5. Pregnancy Discrimination Act (PDA)
 6. Polygraph Protection Act (PPA)
 7. Whistleblower statutes
 8. Other discrimination issues.
 - F. Legal concerns in terminating the employer/employee relationship
 1. Unemployment compensation
 2. Statutory constraints
 3. Pension rights

4. Discharge.
- G. Establishing the prima facie employment case in litigation
 1. Title VII
 2. ADA
 3. ADEA
 4. FLSA
 5. FMLA
 6. Equal Pay Act (EPA)
 7. 42 USC Sec. 1981.
- H. Pursuing/defending employment discrimination cases
 1. Administrative procedures
 2. Court actions
 3. Remedies.
- I. Ethics and employment law issues
 1. Attorney as employer
 2. Legal assistant/paralegal as employee.

B. Writing Assignments:

Writing assignments are required and may include, but are not limited to, the following:

- I. 1. Employment law case briefs
- II. 2. Summary Plan Description
- III. 3. Employment contract
- IV. 4. Noncontractual employee handbook
- V. 5. Memorandum of Law on an employment-law issue
- VI. 6. Administrative documents for employment-law cases
- VII. 7. Documentation for maintaining employer records.

C. Appropriate Assignments that Demonstrate Critical Thinking:

Critical thinking assignments are required and may include, but are not limited to, the following:

- I. 1. Researching and analyzing administrative procedures regarding employment law
- II. 2. Differentiating and assessing legal issues in employment law cases
- III. 3. Applying appropriate legal terms in various legal documents and contracts.

D. Reading Assignments:

Reading assignments are required and may include but, are not limited to, the following:

- I. 1. Assigned textbook and study guide
- II. 2. Reviews of substantive and procedural laws that govern employment law
- III. 3. Supplemental readings about employment law from printed or electronic sources
- IV. 4. Employment law case reviews.

E. Appropriate Outside Assignments:

Outside assignments may include, but are not limited to, the following:

- I. 1. Visiting a local law library
- II. 2. Interviewing a human resource/personnel officer
- III. 3. Contacting a state representative and determining pending legislation that may affect state employment laws
- IV. 4. Conducting mock hiring interviews.

2. METHODS OF EVALUATION:

A student's grade will be based on multiple measures of performance unless the course requires no grade. Multiple measures may include, but are not limited to, the following:

- I. Essay examinations Semester research projects outlining employment issues Out-of-class writing

assignments that demonstrate the student's understanding of employment law and its effect on the employer/employee relationship Contributions to class discussion and collaborative activities Oral presentations on employment-law issues.

3. METHODS OF INSTRUCTION:

Methods of instruction may include, but are not limited to, the following:

- * Lecture
- * Lecture Discussion
- * Computer Assisted Instruction
- * Discussion Seminar
- * Audio-Visual
- * Collaborative Learning
- * Distance Education
- * Distance Education

4. REQUIRED TEXTS AND SUPPLIES:

Textbooks may include, but are not limited to:

TEXTBOOKS:

1. Cannon. Concise Guide to Paralegal Ethics, 2001 ed. Aspen, 2001,
2. Conison. Conison's Employee Benefit Plans in a Nutshell, 2nd ed. West, 1998,
3. Decker. Decker's Family and Medical Leave in a Nutshell, 2000 ed. West, 2000,
4. Friedman. Employment Discrimination, 5th ed. Foundation Press, 2001,
5. Kerley. Employment Law for the Paralegal, 2001 ed. West Legal Studies, 2001,

MANUALS:

PERIODICALS:

SOFTWARE:

SUPPLIES:

ORIGINATOR: Darrel Harrison

CO-CONTRIBUTOR(S)

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