

COURSE SYLLABUS

BUS-MHR 4323: Human Resource Practices and the Law
Monday, 5:30-7:55 PM, Room 320 Schoenbaum Hall

COURSE DESCRIPTION AND REQUIREMENTS

Max M. Fisher College of Business
The Ohio State University
Autumn Semester 2017

Instructor: Robert (Bob) Weisman, Partner and Lawyer – Ice Miller LLP, Columbus, Ohio.

Student Consultations: I do not have an OSU Office for “office hours,” but I am available to answer your questions about class-related issues at any time, including weekends. You are never “bothering” me; that’s why I’m here. My office is located at 250 West Street in the Arena District. I prefer talking or emails and not texting.

- My personal cell phone: (614) 530-4448
- My office number: (614) 462-2239
- Email: Robert.Weisman@icemiller.com

I am not reachable on Ohio State University’s Carmen system.

COURSE DESCRIPTION:

This course provides a practical “hands on” focus to managing the legal aspects of human resource management. Students will have the opportunity to learn how to effectively identify and manage the employment law issues that they will face as human resource professionals, as leaders and managers in organizations or as owners of their own businesses.

The course will focus on the impact of federal and state legislation as it pertains to labor and employment law in the public and private sector workplace. There will also be a class project where the class will be divided into teams and a presentation will be made by each team. There will be a handout and discussion during the first class. There will be a final exam.

COURSE STATEMENT OF OBJECTIVES:

- 1) To provide students with an overview of the application of federal and state employment law in human resource management. Each class will focus on the actual application of the law as it affects employees and employers.
- 2) Students will have the opportunity to learn and apply what they learn about federal and state agencies that impact human resources, such as the U.S. Department of Labor, the NLRB, the EEOC, the OCRC, and other state and federal agencies.
- 3) To enable students to recognize legal issues that may arise as they make human resource decisions.
- 4) To better prepare students for their roles in businesses as entrepreneurs, managers or human resource professionals.

REQUIRED TEXT:

Employment Law for Human Resource Practice, David J. Walsh, Miami University, 5th Edition (2014); South-Western Publishing ISBN: 0-324-59485-2. The 4th Edition is also acceptable.

The Walsh text is a very good, practical textbook for an HR practitioner to have as a reference source. You may choose to rent it electronically.

Readings, lectures, and student inquires along with presentations from guest speakers will form the basis for class discussion. I prefer interactive class discussions in addition to traditional lectures. The Final exam is primarily drawn from my lectures.

**SCHEDULE OF REQUIRED READINGS, ASSIGNMENTS, DISCUSSIONS,
STUDENT PRESENTATIONS AND EXAMS**

During the week which precedes the exam, there will be time set aside for a review and an opportunity to ask questions.

Week 1: ***Chapters 1 and 2 – Overview of Employment Law.*** Review the critical role of Human Resource management in organizations, and the broad aspect of employment laws. Who is covered, when and why? How does the legal system work? Review the enormously complex legal system with which businesses interact and under which business and employment decisions are made. Defining the employment relationship. Discussion of class project.
8/28/17

Week 2: ***Chapter 3 – Overview of Employment Discrimination.*** This chapter is perhaps the most important material we will cover, and it contains some of the most difficult concepts. What is discrimination? What is individual and systemic disparate treatment, and how do these analytical models differ from the concept of adverse impact? What are the challenges of managing retaliation claims?
9/11/17

Week 3: ***Chapters 4, 5 & 7 (skim 7) – The Hiring Process, Background Checks, References, and Verifying Employment Eligibility and Hiring and Promotion Decisions.*** The analysis of the relationship between employment law and fair employment practice laws. How do I legally hire the best person? What can I ask during the job interview? What information should be on the job application? How do I check references? Can I require drug tests and physical examinations? What is an I-9 form and why is it necessary? Can I be liable for negligent hiring?
9/18/17

Week 4: ***Chapter 9 – Unlawful Harassment.*** What rights do employees have to file discrimination complaints? How do I respond? Further discussion of unlawful discrimination and new trends.
9/25/17

Week 5: ***Chapter 15 – Occupational Safety and Health.*** What is OSHA and how can I ensure that we are in compliance? What is the role of HR in safety? How can I ensure that we have
10/2/17

a safe workplace? What is an MSDS and what are our employee education requirements? What do I do if OSHA or the EPA shows up at my door?

What is Workers' Compensation? In Ohio, what is the difference between a self-insured or state fund employer? How do I investigate accident claims? Is there a way to challenge suspected fraud? What is a workers' compensation hearing, and how do I prepare for it?

Week 6: *Chapter 12 – Wages, Hours and Pay Equity.* There will be a discussion of the Federal Wage and Hour Laws and related state laws as well as discussion of pay equity. We will discuss the ever changing exemption criteria.
10/9/17

Week 7: *Chapter 17 – Privacy on the Job: Information, Monitoring, and Investigations.* How should employers properly handle medical information? When, and under what circumstances, can or should an employee engage in surveillance? Do employees have a "right to privacy" in the workplace? Can employers conduct surveillance on employees away from the workplace? Can employers and/or employees record telephone conversations? Social media and privacy rights.
10/16/17

Week 8: *Chapters 18 and 19 – Terminating Individual Employees and Downsizing.* How should you discipline and/or terminate an employee? Who should be present in disciplinary meetings? Who is a whistleblower? How do these various concepts affect employment at will status, and the employer's ability to discipline and/or terminate an employee?
10/23/17

Week 9: *Chapter 14 – Unions and Collective Bargaining.* What is the National Labor Relations Act? How has the union movement changed over time? Who has the right to unionize? What can employees who are represented by a union, or who seek to be represented by a union, do to flex their economic muscle? What can employers do in the face of a union organizing campaign or a strike? What is an Unfair Labor Practice Charge? What is the National Labor Relations Board and what is its role in the unionization and collective bargaining process? Discussion of protected concerted activity and social media.
10/30/17

(Review handouts.)

Week 10: Further discussions of Unions, Collective Bargaining in the Public and Private Sector and completion of any other discussions from Week 10. (No new reading assignment.)
11/6/17

Week 11: *Chapter 10 – The FMLA, ADA and other accommodations.* What is the FMLA? How do employees invoke their FMLA rights? Who is covered? How do the FMLA, the ADA and workers' compensation intertwine? Discussion of religious accommodation. Some review if time permits.
11/13/17

Week 12: Catch up and review for Final exam.
11/20/17

Week 13: Class project presentations.
11/27/17

Week 14: The Final Examination. The examination will be taken in class.
12/4/17

COURSE REQUIREMENTS:

The course will require all participants to take a final exam and participate in the Team project and presentation. Class participation will also be considered, however, grades will be primarily determined based upon the Final exam and Team project. I will be glad discuss weighting during class.

GRADES AND COMMUNICATION:

- The general scale is numerical and letter grades.

90-100	A
80-89	B
70-79	C
60-69	D
Below 60	E

My goal is to provide you with an opportunity to do well in the course and to allow you to learn the material in a manner that will enable you to utilize it in the employment market.

- The preferred method for discussion of student grades is in person or by phone call. My office is located in the Arena District, at 250 West Street, on the 6th Floor at Ice Miller LLP. Appointments to discuss grades can be made by calling my office, cell phone or emailing me. I do not believe that a useful discussion of the grades can be accomplished via email. Additionally, unless there was a computation error, it is very unlikely that I will change a grade.

OSU DISABILITY POLICY:

The University strives to make all learning experiences as accessible as possible. If you anticipate or experience academic barriers based on your disability (including mental health, chronic or temporary medical conditions), please let me know immediately so that we can privately discuss options. You are also welcome to register with Student Life Disability Services to establish reasonable accommodations. After registration, make arrangements with me as soon as possible to discuss your accommodations so that they may be implemented in a timely fashion. SLDS contact information: slds@osu.edu; 614-292-3307; slds.osu.edu; 098 Baker Hall, 113 W. 12th Avenue.

ACADEMIC MISCONDUCT:

The Ohio State University's Code of Student Conduct, Section 3335-23-94 defines academic misconduct as: "Any activity that tends to compromise the academic integrity of the University, or subvert the educational process." Examples of academic misconduct include (but are not limited to) plagiarism, collusion (unauthorized collaboration), copying the work of another student, and possession of unauthorized materials during an examination. Ignorance of the University's Code of Student Conduct is never considered an "excuse" for academic misconduct. The Ohio State University and the Committee on Academic Misconduct (COAM) expect that all students have read and understand the University's Code

of Student Conduct, and that all students will complete all academic and scholarly assignments with fairness and honesty. Failure to follow the rules and guidelines established in the University's Code of Student Conduct may constitute "Academic Misconduct." Sanctions for the misconduct could include a failing grade in this course and suspension or dismissal from the University. For more information, please reference: <http://oaa.osu.edu/coamfaq.html#academicmisconductstatement>.

CONCLUSION:

I hope this will be one of the most enjoyable and beneficial courses you take at The Ohio State University. However, it will only be as good as you have prepared yourself for class, exams, the class project and your level of participation in class. Please let me know how I can be of assistance to you in the course.

Bob Weisman