

# LABOR (LBGL)

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## **LBGL 0131. Workplace Discrimination Law. (2 Credits)**

This course will examine the law governing workplace discrimination, with a primary focus on discrimination and harassment on the basis of race and sex, as prohibited by Title VII of the Civil Rights Act of 1964 (and amendments), and the New York State and City Human Rights Laws. In addition to examining the nature and meaning of race and sex discrimination, the different theories of workplace discrimination, and the legal frameworks used to analyze the merits of employment discrimination claims, this course will emphasize the practical aspects of bringing and defending race and sex discrimination claims in litigation, arbitration, and before administrative agencies. Topics will include disparate treatment, disparate impact, harassment, retaliation, the intersections between race/sex and other protected classes, and procedures for enforcing anti-discrimination laws. Grades will be based on a windowed take-home final exam. Class participation may also be considered.

## **LBGL 0204. Wage Theft, Employee Rights, and Employer Responsibilities. (2 Credits)**

Lawsuits under the Fair Labor Standards Act (FLSA) now comprise almost 15% of the federal court docket in New York and this trend is expected to continue. This course will cover issues relevant to the current employment law practitioner in New York. We will start with the history of the FLSA and New York Labor Law. We will discuss how to compute the applicable minimum wage and overtime, recordkeeping and burden of proof issues, and the definition of a covered employee, including independent contractor issues and exemptions from the FLSA. We will also cover United States Department of Labor and New York State Department of Labor procedures and special rules, issues pertaining to certain industries, such as the restaurant industry and domestic worker industry (nannies, home health aides, etc.), collective and class actions, special litigation issues, settlement of FLSA cases, and retaliation.

**Attributes:** CORC, LLM.

## **LBGL 0325. Law of the Platform Economy. (1 Credit)**

This seminar engages the law of the so-called platform economy, with a particular focus on both antitrust and labor regulation. The central question we address—across legal issues, economic sectors, and types of business models—is the legal regulation of economic coordination in the platform economy. We may cover topics such as: antitrust regulation of vertical and horizontal coordination; the role of employment status; antitrust exemptions; business models such as Uber and Amazon; and/or case-law concerning “two-sided markets.” We will read current and historical cases while also examining changing business models and organizing strategies. We will try to tease apart technological change, business structure evolution, and legal development, and seek to identify the connections between them. The goal of this short seminar, at the broadest level, is to think critically about market regulation in a way that will carry over to subject matter areas beyond the ones we directly cover.

## **LBGL 0329. Compar Employ Discrim. (2 Credits)**

### **LBGL 0334. Employment Discrimination. (2 or 3 Credits)**

This course will examine the law governing employment discrimination, with a focus on the major federal statutes prohibiting discrimination in employment: Title VII of the Civil Rights Act of 1964 (and amendments); the Age Discrimination in Employment Act (and amendments); and the Americans with Disabilities Act (and amendments). We will also cover certain subjects addressed by state laws, including discrimination on the basis of sexual orientation. Topics will include: the nature and meaning of discrimination; disparate treatment vs. disparate impact; burdens and methods of proof; affirmative action; the relationship between antidiscrimination and accommodation; retaliation; procedures for enforcement of antidiscrimination laws; and remedies. Grade based on take-home final exam. Class participation will also be considered.

**Attributes:** CORC, INLJ, LAWB, PIE.

### **LBGL 0343. Anti-Discrimination Law. (3 Credits)**

**Attribute:** INLJ.

### **LBGL 0359. Labor Law. (3 to 4 Credits)**

Federal regulation of labor-management relations in the private sector, primarily through the National Labor Relations Act as amended. The course focuses on employee organizational and representational rights; the selection of a collective bargaining representative; the collective bargaining process; contract administration and enforcement; and the union’s duty of fair representation. The course also addresses related issues of US labor law: judicial review of arbitration decisions and promises to arbitrate; successorship and the obligations of a successor employer; and federalism and the preemption of state workplace statutes.

**Attributes:** INLJ, JD, LAWB, LLM, PIE.

### **LBGL 0361. Employment Law. (2 or 3 Credits)**

This course addresses federal and state law regulation of the relationship between individuals and their employers, including constitutional, statutory, and common-law approaches to the employment relationship. Material includes treatment of the Hiring Process, covering recruitment, interviews, and references; Privacy and Freedom of Expression: both on and away from the job; and Discharge and Termination of Employment, including employment at will and its exceptions, contracting away protections under the Federal Arbitration Act, and noncompete agreements. The course also addresses Safety and Health in the Workplace: under the federal Occupational Safety and Health Act and state workers’ compensation laws.

**Attributes:** CORC, INLJ, LAWB, PIE.

### **LBGL 0375. Labor and Employment Arbitration. (2 Credits)**

This course will provide a comprehensive look at the world of labor and employment arbitration – its history, procedures, laws, ethics and practice, with a specific focus toward labor arbitration. This course will address arbitration topics such as discipline and discharge, contract interpretation and due process issues through a wide diversity of materials including judicial decisions and arbitration awards.

**Attributes:** INLJ, LDE, LIDR, LLM.

**LBGL 0521. Workers, Law & Changing Econ. (2 Credits)**

The economy of the United States has undergone massive changes over the past five decades. The law of the workplace, however, has remained largely static. Changes in the structure of work, and the misfit between that structure and current law, have created barriers for workers who seek to organize for collective representation or to enforce basic workplace rights. The result has been deteriorating wages and working conditions for many workers, in particular at the low-wage end of the spectrum. This disproportionately impacts African Americans and other workers of color, immigrants, and women. Through this class, students will develop a comprehensive understanding of the obstacles that workers and advocates face as they attempt to enforce baseline laws and improve wages and working conditions in low-wage sectors, and explore ways that reconfigured laws, new government policies, alternative organizing strategies, and creative lawyering approaches might support efforts to achieve higher standards. Students write three short papers over the course of the semester. There is no final exam.

**Attributes:** CORC, INLJ, PIE.

**LBGL 0807. Fashion and Employment Law. (2 Credits)**

No matter how fabulous any fashion business might be, it requires a network of support, in the form of employees and/or contingent workers, to help deliver its particular brand of magic. It's important that any such business engage in these relationships lawfully for the good of its employees and/or contingent workers, its reputation, and avoid legal liability. Thus, understanding employment law and how it operates in the fashion space is critical to the success of any business. This course will provide a general introduction to U.S. employment law and highlight particular aspects of the law impacting the fashion industry.

**Attributes:** FASL, LAWF.

**LBGL 0906. ERISA, Employee Benefits and Executive Compensation. (2 Credits)**

The legal practice that focuses on employee benefits has steadily increased in importance and profile. Virtually all major firms have partner-level support in the area. Specialists enjoy among the highest level of security and mobility in law. The benefits lawyer often also handles executive compensation and, indeed, exec. comp. has for many become its own discrete practice area. Many different legal regimes play a part, including the Employee Retirement Income Security Act (ERISA), the Internal Revenue Code, the securities law and the Affordable Care Act. In-house counsel and other outside business advisers should have a good working understanding of these issues in order to advise their clients properly, and business entrepreneurs as well should understand these rules in order to run a successful company. Students in this class will achieve a high-level understanding of ERISA and executive compensation, the market forces driving compensation practices and the laws and regulations governing them. Students will also be exposed to many elements of employment law and other quasi-ERISA areas affecting employees. The course will be practical in its bent, taught from the practitioner's perspective.