LABOR (LBGL)

LBGL 0291. COMPARATIVE EMPLOYMENT DISCRIMINATION LAW. (3 to 4 Credits)
This course will provide an introduction to the landscape of U.S. employment discrimination law, and then proceed to compare its structures to that of a variety of other jurisdictions. The final grade will be based upon classroom participation and a final paper of 15 pages in which the student compares an aspect of the U.S. employment discrimination system to that of another jurisdiction not otherwise discussed in the course materials.
Attributes: ICE, INLJ, JD, LAWB, LAWI, LLM, PIE.

LBGL 0321. SCIENCE OF IMPLICIT BIAS & LAW: NEW PATHWAYS TO SOCIAL JUSTICE. (2 Credits)
Despite cultural progress in reducing overt acts of racism, stark racial disparities continue to define American life. This course will examine why race still matters and what emerging social science can contribute to the legal discussion. The course explores how scientific evidence on the human mind might help to explain why racial equality is so elusive. This new evidence reveals how human mental machinery can be skewed by lurking stereotypes, often bending to accommodate hidden biases reinforced by years of social learning. Through the lens of these powerful and pervasive implicit racial attitudes and stereotypes, the course examines both the continued subordination of historically disadvantaged groups and the legal system’s complicity in the subordination. The course will introduce students to the social science methodology’s examination of bias and explore its strengths, limitations, and possible uses. The final grade will be based upon weekly 1 page Analysis Papers that explore the themes of the reading assignments and propose discussion questions for the class session, along with a Final Paper of approximately 5 pages that assess how the insights about the science of implicit bias might be utilized to either address the operation of implicit bias in the application of law, or how the science can be used to make anti-discrimination law more effective. Students can alternatively submit a Research Paper for Upper Class Writing credit upon authorization of the paper topic with the Professor.
Attributes: INLJ, JD, LLM.

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: INLJ, LAWB, PIE.

LBGL 0359. LABOR LAW. (3 to 4 Credits)
PROFESSOR JAMES BRUDNEY: 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. (4 credits).
<BR>PROFESSOR ADITI BAGCHI: This course will introduce the fundamentals of labor law in the United States, comparing the American approach with those of other advanced industrialized democracies. We will study the federal law governing employee collective action, including the law governing organizing, employee-union relations, collective bargaining (including tools of economic pressure), and preemption of state law. We will then consider the appropriate scope of application of the NLRA regime; assess the political economic role of organized labor; consider historical and institutional explanations for American ‘exceptionalism’, and; explore the advantages and disadvantages of American labor law as compared to its alternatives.<p>
Attributes: INLJ, JD, LAWB, LLM, PIE.

LBGL 0361. EMPLOYMENT LAW. (3 Credits)
This course will address several key topics in the area of employment law. For example: Is a person who provides labor and/or services an employee or an independent contractor? In what circumstances may a company be an employer although it did not hire and does not pay or directly supervise a worker? When may an owner or manager be individually liable for a corporate violation of an employment law? Is there or should there be a public policy exception to the employment-at-will doctrine? When is expression by a public employee protected by the First Amendment? What duties may an employee owe to his/her current or former employer? What rights of privacy does a current or prospective employee have vis-a-vis his/her employer? Issues will be examined as if presented to a law firm called upon to decide whether to take a case or to litigate a motion for summary judgment. From time to time, class members, working together as a two-person team, may be asked to briefly discuss one side of a given issue with a second two-person team advocating the opposite position on that issue. An examination, probably open-book, will be administered at the end of the semester. Class participation will also be considered in determining grades. Quality will be more important than quantity.
Attributes: INLJ, LAWB, PI.

LBGL 0375. LABOR & 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 0471. LABOR LAW: WAGE & HOUR LAWS. (2 Credits)
The wage and hour laws are an important element in the protection of low wage immigrant workers. Many of these new immigrants are vulnerable to exploitation because of their linguistic isolation, low awareness of their legal rights and alien status. The wage and hour laws can to some extent protect these workers by providing for minimum wages and overtime pay and prohibiting child labor and take-home work. These laws cover almost all workers including domestic workers in the home, garment workers in the factory and manual day laborers hired off the street. The wage and hour laws are rarely part of the traditional labor law or employment law curricula of law schools where the focus is on union-management issues and on discrimination. Any student interested in sweatshop labor and the exploitation of immigrant workers needs to understand these laws.

The seminar focuses substantively on the Fair Labor Standards Act, 29 U.S.C. § 201 et seq. and on New York Labor Law §§190 et seq. and 650 et seq. in the context of low wage immigrant workers. The course material is a mix of statutory and case law as well as transcripts from actual cases in which the workers speak for themselves. The seminar investigates why the exploitation of these immigrant workers continues despite these laws, administrative enforcement, and the unionization of some of the industries where these practices predominate. Depending on class size and interest, there may be some litigation skills components.

Attributes: INLJ, LAWB, LLM, LPI.

LBGL 0521. WORKERS, LAW & CHANGING ECO. (2 Credits)
This seminar explores changes in the economy of the United States—including globalization, high levels of immigration, new ways of structuring the employment relationship, and most recently the economic downturn—and the challenges they pose to the enforcement of the major laws governing workplace standards in this country. The course draws on academic materials, cases, statutes, and documents from practice to understand the current situation and to examine emerging models of litigation, regulatory enforcement, legislation, and labor organization that respond to these transformations and seek to re-establish a floor on wages and working conditions in the context of low-wage work today. Students write three short papers over the course of the semester. There is no final exam.

Attributes: INLJ, PIE.

LBGL 0906. EXECUTIVE COMPENSATION AND EMPLOYEE BENEFITS LAW. (2 Credits)
There is perhaps no single more important aspect in an employee's work-life than his or her compensation and benefits. Similarly, from an employer's perspective, determining how best to compensate its employees is of extreme importance. Any in-house general counsel, M&A attorney, securities lawyer or labor and employment attorney must have at least a working familiarity with the laws governing these issues.

Students in this class will achieve a high-level understanding of executive compensation and employee benefits; the market forces driving, and the regulatory considerations governing, their provision and structure; details of ERISA and the Internal Revenue Code relevant to compensation and benefits; SEC disclosure obligations for compensation provided by public companies; and the various forms of equity and their respective tax treatment. Students will also be exposed to the elements of employment, severance, retention and change in control agreements and equity arrangements.

Attribute: LLM.

LBGL 0929. COMPARATIVE EQUALITY AND ANTI-DISCRIMINATION LAW. (2 Credits)
This seminar will examine anti-discrimination laws and equality norms from a global perspective. Specifically, the readings will compare U.S. law with the law of several other legal systems, such as Europe, South Africa, China, Colombia, and Argentina. Coverage includes equality issues in employment, affirmative/positive action, gender parity, marriage, reproductive rights, secularism and the rights of religious minorities, and hate speech. Readings are primarily drawn from cases, codes and constitutions, with additional commentary by legal scholars.

The course is organized as a seminar in which students are expected to participate in weekly discussions and to write weekly response essays based on the readings. The grade will be based on class participation (including the response essays), and a final research paper. The last few weeks of the semester will be reserved for student presentations of their research paper.

The main text will be Oppenheimer, Foster and Han, Comparative Equality and Anti-Discrimination Law: Cases, Codes, Constitutions and Commentary (Foundation Press, 2012). There will be additional supplemental materials made available via an online course platform.

Attributes: INLJ, LAWJ, LLM, PIE.