LABOR (LBGL)

**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 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 approaches to the relationship between individual employees and employers, including constitutional, statutory, and common-law regulation of the employment relationship. We will examine issues that often arise in relation to the hiring process, including restrictions on job access, interviews and references, drug-testing, and limits on freedom of expression and privacy on or away from the job. We also will consider issues typically associated with termination of employment, including employment at-will and common law exceptions thereto, whistleblower protections, and non-compete agreements. Finally, we will devote attention to regulation of safety and health in the workplace, focusing on the federal Occupational Safety and Health Act (OSHA) and state laws governing workers’ compensation. The course does NOT address issues covered under courses in labor-management relations or employment discrimination.

**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.
Compensating a modern workforce is one of the most important aspects of running a business. Many different legal considerations play a part, including how to properly incentivize performance while ensuring pay equality, how compensation committees should be structured to ensure fiduciary responsibilities are met, why a diversity of viewpoints are important when determining compensation, and how best to structure equity compensation to take advantage of tax-related incentives. Any in-house counsel or outside business adviser needs to have a good working understanding of these issues in order to properly advise their clients, and any business entrepreneur must understand these rules in order to create a successful company. Students in this class will achieve a high-level understanding of executive compensation and employee benefits, the market forces driving compensation practices, the regulations governing them, and the relevant case law. There will be a particular focus on recent legislation regarding pay equality and the structure of boards of directors, and the class will discuss the “pay ratio” rule, equal pay act, compensation privacy rules, and the recent California legislation requiring women to make up a “representative” number of women on boards. Students will also learn about the Employee Retirement Income Security Act and the Internal Revenue Code provisions relevant to compensation and benefits. Students will also be exposed to many elements of employment, severance, retention, change in control and equity arrangements. There will be a 3 hour take-home exam (to be taken at the student’s convenience during the exam period), which will be a mixture of multiple choice and short essay questions. There will also be short weekly assignments based on the readings to ensure that students are prepared for class. These assignments will not be graded, but students will be required to show a good faith effort in responding to the questions.

**Attribute:** LLM.