LABOR (LBGL)

LBGL 0204. WAGE THEFT, EMPLOYEE RIGHTS & EMPLOYER RESPONSIBILITIES. (2 Credits)

Law suits 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.

Attribute: LLM.

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 assesses 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).

LBGL 0361. EMPLOYMENT LAW. (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: INLJ, LAWB, PIE.
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.
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.<p>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.<p>There will be a final exam.
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.<p>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.<p>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.